

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 7 and 9. These sheets replace the original sheets including Figs. 7 and 9. The drawings have been amended to change "optical" to "optimal." No new matter has been added.

Attachment: Replacement Sheets

REMARKS

In the non-final Office Action, the Examiner objected to the drawings, the abstract, and the title, and rejected claims 24, 26-37, and 39-50 under 35 U.S.C. § 103(a) as unpatentable over Applicant's admitted prior art (hereinafter "Admission") in view of Kamiya (U.S. Patent No. 6,704,321). The Examiner identified claims 25 and 38 as containing allowable subject matter.

By this Amendment, Applicant amends the title, the abstract, and Fig. 7 and 9 of the drawings. Applicant appreciates the Examiner's identification of allowable subject matter, but respectfully traverses the Examiner's rejection under 35 U.S.C. § 103.

OBJECTION TO DRAWINGS

In paragraph 3 of the Office Action, the Examiner objected to the drawings because the term "optimal" is misspelled as "optical" in Figs. 7 and 9. Applicant proposes amending Figs. 7 and 9 to correct the misspelling.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the objection to the drawings.

OBJECTION TO ABSTRACT

In paragraph 4 of the Office Action, the Examiner objected to the abstract for including improper language or an improper format. Applicant has amended the abstract to address the Examiner's concerns.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the objection to the abstract.

OBJECTION TO THE TITLE

In paragraph 5 of the Office Action, the Examiner objected to the title as not being descriptive. Applicant has amended the title to be more descriptive of the claimed invention.

Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the objection to the title.

REJECTION UNDER 35 U.S.C. § 103

In paragraph 7 of the Office Action, the Examiner rejected claims 24, 26-37, and 39-50 under 35 U.S.C. § 103(a) as allegedly unpatentable over Admission in view of Kamiya.

Applicant respectfully traverses the rejection.

Applicant respectfully submits that Kamiya does not qualify as prior art under 35 U.S.C. § 103(a). 35 U.S.C. § 103(c) qualifies 35 U.S.C. § 103(a) and states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Kamiya qualifies as prior art under 35 U.S.C. § 102 only under subsection (e). The present application and the Kamiya patent were, at the time the invention of the present application was made, owned by or subject to an obligation of assignment to NEC Corporation. The Kamiya patent was assigned to NEC Corporation and recorded at Reel 009814 and Frame 0783 on March 5, 1999. The present application contains an assignment, dated October 11, 2001, from the inventor to NEC Corporation, which has been recorded at Reel 012757 and Frame 0836. Accordingly, the Kamiya patent is not available to preclude patentability under 35 U.S.C. § 103(a).

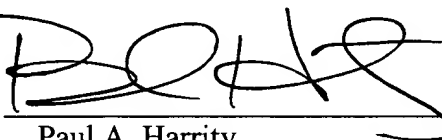
Applicant submits that claims 24, 26-37, and 39-50 are patentable over Admission.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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EXHIBIT A
(REPLACEMENT SHEET FOR ABSTRACT)